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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,588	12/20/2001	Christina Chow	40655.3800	8373

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EXAMINER
KARMIS, STEFANOS

ART UNIT 3691	PAPER NUMBER
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/032,588	Applicant(s) CHOW ET AL.	
	Examiner Stefano Karmis	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 22 January 2007.

Status of Claims

2. There are no new amendments to the claims. Claims 1-13 are currently pending.

Response to Arguments

3. Applicant's arguments filed 22 January 2007 regarding the rejection of claims 1-13 under 35 U.S.C. 112, first paragraph have been fully considered but they are not persuasive. As discussed below, the Examiner can't find support in the specification for the amended language of "without human intervention" or "transferring a monetary value from said line of credit to said brokerage account to activate said brokerage account" as discussed below. For this reason, claims 1-13 fails to comply with the written description requirement because these limitations were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention as discussed below.

4. Applicant's arguments filed 22 January 2007 regarding the rejection of claims 1-13 under 35 U.S.C. 103(a) as being unpatentable over Weiss in view of Lent have been fully considered but they are not persuasive. Applicant argues that Weiss in view of Lent fails to teach

Art Unit: 3691

establishing a line of credit and a brokerage account in real-time and specifically without human intervention. In Response: The Examiner finds this argument not persuasive because the Applicant has no support in the specification for establishing these accounts "without human intervention." The specification states that the steps are performed "automatically" and therefore the claim is interpreted in that manner. Nonetheless, the Examiner has cited passages from Lent that clearly teach as part of a method for real time on line credit approval, wherein credit is approved by an Underwriter in communication with a credit bureau without human intervention (column 8, lines 56-67). Combining the method for opening accounts taught by Weiss with the real time on line credit approvals teachings of Lent therefore teaches the limitations set forth in the instant application as discussed below.

For these reasons, claims 1-13 remain rejected and Applicant's request for allowance is respectfully declined.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

Art Unit: 3691

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding independent claim 1, the phrase “without human intervention” is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, has possession of the invention. Applicant teaches in the specification, that the system is an “automated real-time application process” which includes automated steps for opening a brokerage account (see U.S. Publication 2002/0156720: Page 4, paragraph 0025-0026). However, having automated steps does not constitute that the steps are done without human intervention. Therefore it would not be obvious to one of ordinary skill in the art that an automated process is done without human intervention. The phrase “without human intervention” is considered to be a negative limitation. Any negative limitation or exclusionary proviso must have basis in the original disclosure. See MPEP § 2173.05(i). Since there is no basis in the original disclosure for “without human intervention”, claim 1 stands rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement. Independent claims 11 and 12 contain similar limitations to claim 1 and therefore stand rejected for similar reasoning. Dependent claims 2-10 and 13 stand rejected based on their dependency.

Regarding independent claim 1, the phrase “transferring a monetary value from said line of credit to said brokerage account to activate said brokerage account” is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, has possession of the invention. The Examiner

Art Unit: 3691

can find no language in the specification wherein a “transferring” step is performed, especially from a line of credit to a brokerage account in order to activate the brokerage account. The specification states that a brokerage account is opened with a pre-established trading limit (\$15,000) and is associated with the Applicant (page 4, paragraph 0026). The specification further states that the brokerage account is activated by communicating with the Securities Processing System (page 4, paragraph 0027). The Securities Processing System is a system of record for managing brokerage accounts and the execution of transactions (page 4, paragraph 0033 and 0027). There is no teaching in the specification of “transferring a monetary value from said line of credit to said brokerage account to activate said brokerage account.” Therefore claim 1 stands rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement. Independent claims 11 and 12 contain similar limitations to claim 1 and therefore stand rejected for similar reasoning. Dependent claims 2-10 and 13 stand rejected based on their dependency.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (hereinafter Weiss) U.S. Patent 6,354,490 in view of Lent et al. (hereinafter Lent) U.S. Patent 6,405,181.

Art Unit: 3691

Claims 1-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (hereinafter Weiss) U.S. Patent 6,354,490 in view of Lent et al. (hereinafter Lent) U.S. Patent 6,405,181 as discussed in the previous office action mailed 06 April 2006 and 26 September 2006. In light of the claim interpretation mentioned above, Applicant's arguments regarding the rejection of the instant application over Weiss in view of Lent are not persuasive. Weiss teaches a brokerage account application method comprising: receiving data from an applicant (column 14, lines 1-11); forwarding said data to a credit bureau system for credit decisioning (column 14, lines 26-34); obtaining, a credit decision relating to said applicant from said credit bureau system (column 14, lines 35-50); in response to a favorable credit decision, opening a brokerage account for said applicant column 14, lines 51-63, column 15, lines 14-64); invoking a securities processing system to facilitate an activation of said account and use of said account (column 17, lines 36-54). Lent teaches establishing a line of credit using an Underwriter obtaining credit approval without human intervention (column 8, lines 56-67). Lent also teaches that transferred money is immediately available because account balances are transferred in a real-time (column 16, line 16-60). It would have been obvious at the time of the Applicant's invention to modify the teachings of Weiss to include the teachings of Lent because it provides for quicker access to financial accounts by validating the credit of a customer in real-time.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3691

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
12 April 2007



HANI M. KAZIMI
PRIMARY EXAMINER